



Attorney Docket No. 1793-0006

In re patent application of: **Scott Willy**

Serial No.: 10/662,240

Filing Date: **September 15, 2003**

Examiner: **L. Cranmer**

Group Art Unit: **3636**

For: **Ready-To-Assemble Articles of Furniture**

IFW \$
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
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Michael D. Beck

Name of person mailing Document or Fee

Michael D. Beck

Signature

August 3, 2004

Date of Signature

RESPONSE TO OFFICE ACTION AND FILING OF TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria VA 22313-1450

Dear Sir:

In response to the Office Action dated May 3, 2004, please enter the following response. This response is being filed within three (3) months of the mailing date, August 3, 2004, so no extension of time or associated fee is believed to be due. However, the Commissioner is authorized to provide any extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

In the outstanding Office Action, an obviousness-type double patent rejection was issued in view of Applicant's patent no. 6,619,749. In order to obviate this rejection, Applicant is submitting herewith a Terminal Disclaimer, executed by Applicant's agent of record as permitted under 37 C.F.R. §1.321, in which Applicant disclaims the terminal part of the term of any patent issuing from the present application. A check in the amount of \$55.00 (fifty-five dollars) is enclosed herewith for payment of the small entity fee associated with the filing of this terminal disclaimer.

It is believed that all outstanding issues have been addressed and that this application is in condition for allowance. The Examiner is invited to contact the undersigned agent if any outstanding issues remain to be resolved in order to pass this case to issuance.

Respectfully Submitted,

Michael D. Beck

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Attorney for Applicant

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August 3, 2004

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

1793-0006

In re Application of: Scott Willy

Application No.: 10/662,240

Filed: September 5, 2003

For: Ready-To-Assemble Articles of Furniture

The owner*, Scott Willy, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,619,749. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Michael D. Beck August 13, 2004
Signature Date

Michael D. Beck

Typed or printed name

317-638-2922

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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